



U.S. Department of Justice

950 Pennsylvania Avenue NW
Washington, D.C. 20530

September 8, 2024

VIA CM/ECF

Hon. Dale E. Ho
U.S. District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. M/Y Amadea*, No. 23-cv-9304 (DEH)

Dear Judge Ho:

Pursuant to Fed. R. Civ. P. 16(b), the Government respectfully seeks a clarification or modification of the deadline to serve Requests for Admission (“RFAs”) in this case. The Court’s original Case Management Plan (ECF No. 17) had an RFA deadline of July 9, 2024 and a full discovery deadline of August 8, 2024. Thus, the RFA deadline was 30 days before the close of all discovery, consistent with form language from the Court’s template Case Management Plan stating that “absent exceptional circumstances,” the RFA deadline should be “a date no later than 30 days before the close of all discovery.”¹ In other words, the Court’s apparent intent was to set the RFA deadline 30 days before the close of all discovery.

The Court has since extended the discovery deadline multiple times, such that discovery is now set to close on November 15, but the serial discovery extensions did not explicitly move the July 9 RFA deadline (though they may have implicitly done so). To the extent the Court meant to extend the RFA deadline until 30 days before the close of discovery, the Government respectfully seeks clarification that the new RFA deadline is October 16 (30 days before the close of discovery). To the extent the Court did not move the RFA deadline when it extended discovery, the Government respectfully seeks a modification of the Case Management Plan so that the RFA deadline is October 16. The Government believes that any RFA deadline should be near the close of discovery because information obtained in discovery informs what RFAs a party may pose and what its opponent is prepared to admit.

By email on October 3 (2:02 p.m.), the Government notified Claimants about this motion and sought Claimants’ position on it. Claimants have not responded to the Government’s email

¹ Available at <https://nysd.uscourts.gov/hon-dale-e-ho> (third link from the bottom).

or otherwise stated their position. Given that October 16 is fast approaching, the Government seeks to clarify this issue as soon as possible.

For the foregoing reasons, the Government respectfully asks the Court to clarify or order that the RFA deadline is October 16—*i.e.*, 30 days before the close of discovery.

Respectfully Submitted,

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cc: Claimants' counsel (by ECF)